

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

Community Involvement Task Force

Final work plan and recommendations

December 22, 2004

Organizational culture

Staff development

- Task 1: Strengthen staff development and training on science issues.

Status: Some task force members have met with the DEQ training manager and discussed the agency's current means for providing this type of training. This has been presented to the full task force, which also will help identify other opportunities to increase technical and scientific training for DEQ staff. Task force members and DEQ staff are exploring ways to increase this type of training.

- Task 2: Establish staff incentives for community involvement.

Status: DEQ has implemented a Director's Award for Community Involvement and, in accordance with Commonwealth policies, will provide up to eight hours of leave for community volunteer activities. Specific measures for community involvement efforts now are included in the employee work profiles of DEQ staff.

- Task 3: Ensure that DEQ's mission is promoted and understood throughout the agency.

- Status: The DEQ director has committed to make sure all agency staff clearly understand the commitment to strengthening community involvement and how the agency mission relates to all jobs at DEQ. The regional open house meetings are one avenue to accomplish this. In addition, the director met with the Executive Management Team in August and November to inform them about the work of the Community Involvement Task Force and the significance of its efforts. The community education and outreach coordinator and senior staff have met with the regional directors and staff in each regional office in an effort to learn more about their concerns and to inform them fully about the nature of the community involvement initiative.

- Task 4: Identify ways in which DEQ can more effectively fulfill its mission and serve as an advocate for the environment.

Status: This is an ongoing process, and the steps identified in many of the tasks above also are related to this issue. The director and senior staff have reaffirmed the commitment of DEQ to help ensure that all staff understand the significance of this policy.

Public as a partner

- Task 5: Evaluate and develop the following relationships: DEQ, citizens, and grass roots and formal organizations.

Status: DEQ held open house meetings at the regional offices in October and November to begin the process.

- Task 6: Establish a clear commitment to active participation in consensus-building processes so the agency can work toward fair solutions that provide a meaningful compromise for affected stakeholders.

Status: This is addressed in the agency's draft community involvement policy. In addition, DEQ has provided facilitation training and guidance to agency staff who work with technical advisory committees and is including this in its leadership training for agency managers.

- Task 7: Establish a clear commitment to increase and participate in outreach activities.

Status: DEQ has transferred its Environmental Education Office to the Policy Division and has hired a community education and outreach coordinator. The coordinator will develop a community outreach and education program for DEQ, assist program staff in working with community stakeholders and begin implementation of the community education component of the environmental education plan for Virginia Naturally.

- Task 8: Meaningful process for public to be a partner, not an adversary, in decision making.

Status: Additional discussion is necessary to explore this topic fully. It is understood that this is an ongoing process, which will evolve over time. However, initial steps to provide these opportunities will be spelled out in the agency's community involvement policy.

Inviting, recognizing and valuing public participation

- Task 9: Increase time between air permit informational briefings and hearings.

Status: For Prevention of Significant Deterioration air permits, DEQ now requires 30 days notice before any informational briefing and an additional 30 days notice on the draft permit before a public hearing. Similar procedures are encouraged for other air permit programs. DEQ welcomes other suggestions.

- Task 10: Help community stakeholders understand the regulatory process and its limitations, as well as the opportunities for public involvement.

Status: The regional open house meetings held in October and November were the beginning of this process. DEQ is also evaluating ways to improve access to community-oriented information on the agency web site. DEQ encourages staff to work with conservation organizations in offering assistance for community understanding of the regulatory process.

- Task 11: Recognize effective public participation and ensure that public participation is valued.

Status: The task force has been asked to identify ways in which the agency could provide this type of recognition. The agency's community involvement policy will be the tool for implementing this.

- Task 12: Ensure that feedback regarding public comments is substantive and precise (i.e., give copy of staff memo to board).

Status: DEQ has committed to address this concern and ensure that agency staff responds to comments in a substantive manner. Additional suggestions would be helpful concerning the level of detail that would be appropriate or other information that would be useful to commenters.

Citizen boards

- Task 13: Clarify role of citizen boards as decision makers.

Status: A number of suggestions have been made regarding orientation for new board members and opportunities for education of board members about board responsibilities. DEQ will survey current and former board members to determine the effectiveness of their orientation sessions and identify areas for improvement. DEQ will ensure that the boards' roles are explained.

- Task 14: Presentations to regulatory boards by advocacy groups.

Status: DEQ will invite advocacy groups to make presentations on their organizations' purposes, priorities and accomplishments at the joint board meeting in April 2005 and at regular board meetings.

- Task 15: Evaluate boards' public comment policies to ensure their effectiveness in getting information to the boards. Specific suggestions include: (1) transforming "ex parte" communication into a mechanism to get more information to the entire board; (2) having hearings before the entire board; (3) providing full copies of documents to the board if requested by the submitter; and (4) minimizing use of executive sessions.

Status: A group from the task force presented recommendations to the regulatory boards at their joint meeting in November 2004. DEQ staff is continuing to work with the boards to resolve these questions.

- Task 16: Clarify differences in procedures among the boards

Status: DEQ has prepared a table showing differences and similarities in procedures. It is recognized that uniformity for its own sake may not be the best approach, but that there is value in identifying best practices in each case and attempting to determine where those

practices are applicable to other boards. The task force has agreed to evaluate these differences and make recommendations to the legislative committee studying this issue.

- Task 17: Increase health and environmental representation on the State Advisory Board on Air Pollution.

Status: DEQ has added Dr. Dudley Rochester of the University of Virginia to the State Advisory Board. The chairman of the Air Pollution Control Board is working with DEQ staff and State Advisory Board members to address subjects raised by a task force work group, including a charter for the advisory board and broader membership.

- Task 18: Establish a citizen advisory board for solid waste.

Status: DEQ has met with task force members to discuss this topic. The Waste Division director has met with community representatives to discuss program operations, identify their concerns and evaluate the role of a citizen advisory board. Interested parties expect to meet with the division director in December.

Regulatory public participation

Political environment

- Task 19: Develop political support for environmental protection so DEQ has more flexibility, while acknowledging that DEQ protects the environment and responds to policy makers who are charged with representing the entire public interest.

Status: Members of the task force have agreed to work with DEQ to help develop additional political support for environmental protection.

Public participation

- Task 20: Schedule hearings and meetings to facilitate public participation.

Status: DEQ is scheduling public meetings in the early evening when practical, but is also mindful that each regional office needs to work in the best interest of public participation. DEQ will work to tailor the times of meetings to meet the needs of the audience and to seek feedback from interested parties before scheduling meetings.

- Task 21: Improve the value of technical advisory committee participation and membership.

Status: DEQ has begun facilitation training for staff that run TACs to encourage that diverse voices are heard, regardless of the numerical makeup of groups. DEQ also will develop guidelines to ensure that staff and TAC participants understand what membership on a TAC means, what is involved with participating on a TAC, and how to improve participation.

- Task 22: Identify and explore models or examples of effective public participation.

Status: Task force members are looking at other states' programs and will speak with their counterparts in other states to identify programs that are examples of effective public participation. This information will be used to help strengthen DEQ's work on its web site and other public involvement initiatives.

Public involvement and information

- Task 23: Explain how the agency strategic plan promotes community engagement and involvement.

Status: DEQ's strategic plan identifies four priorities, one of which is to develop and "informed and engaged community." Formation of the task force and implementation of this work plan are actions that will help accomplish this goal.

Informing the public

- Task 24: Expand permit tracking online to include information on applications that have been received.

Status: Public Affairs staff and program staff are evaluating the technical questions of including permit status and are developing an implementation plan.

Regarding online posting of DEQ Virginia Water Protection information, VWP staff and the Virginia Institute of Marine Science are working on ways to accomplish this. This is expected to be operating by January 2005.

- Task 25: Consistent and fair implementation of Freedom of Information Act policy, including availability of files and costs for reviewing material between offices.

Status: DEQ's Freedom of Information Act coordinator has met with regional office managers and central office administrative assistants to discuss the concerns of the task force. The coordinator will update the agency FOIA policy, in particular to identify a more uniform hourly rate throughout the agency.

- Task 26: Improve and simplify public notices by using lay language.

Status: DEQ is developing templates for all agency public notices to improve use of language for the lay person.

- Task 27: Strengthen education and guidance for the public regarding evaluating applications and issuing permits.

Status: DEQ will hold open houses at the regional offices in October and November to begin the process, and DEQ has offered to meet with conservation organizations to help with this.

- Task 28: Make the American Conference of Governmental Industrial Hygienists (air) threshold limit book readily available.

Status: Each regional office has a copy of this publication, and air division staff is making it readily available to the public. Staff is currently exploring the possibility of making the book available online.

Enhance information on DEQ's web site

- Task 29: Improved public information on DEQ's web site such as: (1) separate listings for permit actions and regulatory actions on web site, (2) include last date regulation was amended on web site, (3) clear link to environmental health information, (4) biographical and professional information on board members.

Status: Public Affairs staff is redesigning the public notice section of the web site. Improvements will include separation of permit and regulatory actions. This will be incorporated into larger redesign efforts. Public Affairs staff also is working with program staff to include the enhanced information suggested.

- Task 30: Develop information on the agency web site to clarify that it signals DEQ's commitment to community involvement.

Status: Public Affairs staff has begun redesigning the public information section of the web and will evaluate how to redesign other sections. Focus will be how to highlight community involvement information and how to identify this as an agency priority. Additional discussion with interested task force members and other stakeholders is welcome.

- Task 31: Identify other potential areas for improvement through suggestions from other state web sites.

Status: DEQ staff has evaluated numerous web sites of other state environmental agencies. Task force members have been asked to evaluate other web sites. The goal is to identify a "top 10" type of list that DEQ can implement.

- Task 32: Promote public input on DEQ web site improvements through a mail list or listserv.

Status: Public Affairs is evaluating the feasibility of establishing a listserv or other notification service and what functions it could serve.

- Task 33: Regional links and issues on web site.

Status: Public Affairs staff will work with program staff to identify the main issues and the feasibility of creating these links. Additional comments from task force members regarding the key issues to be considered in looking at this would be appreciated.

- Task 34: Manage public notice obligations and objectives, keeping in mind staff resources.

Status: To some extent, this is provided by the Town Hall web site. However, DEQ's ability to do this for permit actions has been limited by resource constraints.

- Task 35: Increase public notices in more visible venues (such as display ads or local news releases) for hearings and comment periods.

Status: Though there is agreement that display ads, news releases and other tools should be explored to accomplish this goal, there is still the need for additional discussion about the kinds of issues that warrant news releases and display ads, and what other avenues might be available for accomplishing the goal. It is clear that not all permits would require the same type of notice and not every situation would necessarily be handled in the same way. Task force members will continue discussing these issues and those in Task 34.

Public participation

- Task 36: Explain how to use the Town Hall web site more effectively.

Status: DEQ completed a mailing in early 2004 providing information on the Town Hall and instructions on how to register. A handout has been developed to inform citizens of this resource.

- Task 37: Develop online public participation guide with glossary.

Status: The community education and outreach coordinator will work on this guide with the Public Affairs and Regulatory Coordination staff. Input from the task force members and other stakeholders is welcome.

- Task 38: Note the number of comments received during a public comment period to ensure that the value of form letters is not minimized.

Status: DEQ has communicated this policy to its regional offices and will ensure that all comments are appropriately noted.

- Task 39: Develop DEQ community involvement policy and implement it throughout the agency.

Status: The task force has developed the draft policy, which is included in the task force's final report.

- Task 40: Ensure early involvement by the community in significant environmental actions.

DEQ has committed to this concept as a major element of its community involvement initiative. The community involvement policy will clearly identify this as an agency priority, and DEQ will continue to identify ways to ensure staff understanding and to implement early involvement on a broad basis.

Advocacy groups

- Task 41: Develop education/guidance for agency staff on the role of advocacy organizations and how they select issues.

Status: This is an opportunity for DEQ and the task force to work together to create programs for regional offices and others, as appropriate.

- Task 42: Develop effective strategies for communicating with the public on the status of permit applications.

Status: The task force has agreed that a basic approach should be to involve the public earlier in the permit process, before the required public comment period. DEQ also has agreed to assess the implementation of a permit tracking system on the agency web site. No other specific suggestions have been made to address this issue.

Strengthening relationships and improving communication

- Regular update meetings between DEQ and conservation community to allow people to be proactive, not reactive.
- Recognize DEQ's professionalism and value its expertise.
- Provide recognition of DEQ's efforts to respond to community concerns.
- Go to Virginia Conservation Network (and others) so that conservation community can select appropriate people for legislative activity.
- Relationships/respect/communication – build a bridge during this process that will outlast the process.
- Joint communication training.

Status: All of these items have been discussed to varying degrees and have been agreed to in principle. Some (e.g., building a bridge) are not tangible and, therefore, not easily organized into a specific task. Others (e.g., communication training) can be accomplished as DEQ implements its community involvement policy and community involvement work plan.

General statements from task force members

- DEQ's mission is to protect human health and the environment.
- DEQ's primary stakeholders are the citizens of the Commonwealth.
- DEQ accomplishes its mission by issuing permits that protect human health and the environment.
- Clarity of the roles and legal authority of DEQ and local governments that are communicated to the public.
- The law is a tool for the protection of the environment and human health.
- Identify ways in which DEQ can more effectively fulfill its mission to work on behalf of the environment.

Status: These issues originated with the task force as items for ongoing discussion. They are being evaluated as DEQ implements its community involvement policy.

Definitions

- Regulatory authority
- Voices heard
- Public involvement/participation
- Customer
- Public interest
- Environmental community
- Regulated community

Status: The definitions of these terms have been included as part of the larger discussion of other issues and are incorporated in numerous tasks and the community involvement policy.

Communication issues

- The conservation community and public are encouraged to go to DEQ when working on initiatives, to involve DEQ early in their activities.
- Seek greater clarity in communicating with lay people regarding pollution from permitted activities and other environmental issues.
- The conservation community is encouraged to help educate the community on environmental issues; DEQ encourages requests for technical and scientific assistance.
- The conservation community is encouraged to work carefully with the news media to minimize the risk of sensationalizing environmental issues and misinforming the public.
- Clarify the best methods for DEQ to communicate with the community.
- Notify the conservation community early in the permit process.
- Encourage respect for the technical expertise and experience of DEQ staff.
- Identify the ideal relationship between the conservation community and DEQ.
- Promote proactive contact with interested parties.

Status: These issues have been discussed on numerous occasions and are addressed throughout this work plan and in the community involvement policy.